

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 2477

IN THE MATTER OF:

Served September 28, 1983

Application of FREDERICK LIMOUSINE,)
INC., for Temporary Authority to)
Conduct Special Operations --)
Airport Services)

Case No. AP-83-49

By application filed September 6, 1983, Frederick Limousine, Inc., a Maryland corporation, seeks temporary authority to transport passengers and their baggage, in special operations, between Washington National Airport, Gravelly Point, Va., Dulles International Airport, Herndon, Va., and Union Station, Washington, D. C., on the one hand, and, on the other, points in Montgomery County, Md., restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 passengers or less (including the driver).

According to Frederick's proposed tariff there would be no charge for children under 12 years of age traveling with a parent or guardian. There also would be no charge for transporting baggage ". . . unless the amount or size of such baggage requires an unusual amount of the baggage area or another passenger's seat. In such cases, and additional [unspecified] charge may be assessed." 1/

Adult one-way fares are to be as follows:

Between and	<u>WNA</u>	<u>Dulles</u>	<u>Union Station</u>
Zone M1	\$15	\$15	\$15
Zone M2	30	30	30
Zone M3	20	20	20

1/ Applicant must amend this provision to specify what charges it proposes and the precise circumstances under which such charges would be imposed.

Zones M1 includes points in that part of Montgomery County within the Capitol Beltway (Interstate Highways 95 and 495). Zone M2 includes points within the following U. S. Postal Service Zip Code areas: 20720, 20727, 20729, 20730, 20734, 20750, 20753, 20760 (except that area south of Brink Road), 20767 (except that area south of Brink Road), 20808, 20810, 20832, 20837, 20860, 20868, 20870, 20904 and 21771. 2/ Zone M3 would be all points in Montgomery County not included in Zones M1 and M2.

Applicant's equipment list includes two 12-passenger vans and six sedan type vehicles. An appropriate certificate of insurance (expiration date March 25, 1984) was filed.

In support of the application, applicant's president states that Frederick Limousine now engages in passenger transportation between Washington National and Dulles Airports, on the one hand, and, on the other, points in Frederick County, Md. Applicant proposes to extend its call-and-demand service to Montgomery County.

The following firms submitted affidavits in support of the application: Ramada Inn Hotel and Sheraton Potomac Hotel, both in Rockville, Md., Washingtonian Hotel, Marriot Hotel, Bechtel Power Corporation and Tektronix, Incorporated, all in Gaithersburg, Md. All of the supporting firms state that Beltway Limousine Service, Inc., which previously transported hotel guests or employees to and from the airport has discontinued that service. Accordingly, an immediate and urgent need exists for another carrier to fill the void left by Beltway. Several of the affiants also state that hotel guests would utilize Union Station and that no service is available to and from that point.

On September 9, 1983, Airport Limo, Inc., filed a protest to the application stating that it ". . . now stands ready, willing and able to provide [the proposed] service." Airport Limo has been authorized to render such service for several years and states that it is currently serving ". . . a number of points in Montgomery County,

2/ Several of the specified Zip Code Areas do not appear on the 1983 road atlas for Montgomery County as published by Alexandria Drafting Company. Applicant will be required to submit a map indicating the three zones and showing the location of the specified zone areas.

pursuant to its contract with the Federal Aviation Administration. ^{3/} It is inferred that, since the apparent cessation of Beltway's service to points in so-called "upper" Montgomery County, Airport Limo's interest in serving additional points has increased.

In a reply affidavit filed September 15, 1983, applicant's attorney avers that, on four dates this month, he contacted Airport Limo and was advised that service was provided only at the Bethesda Marriott, Wheaton Howard Johnson, Silver Spring Sheraton and Chevy Chase Holiday Inn. It is further stated that the attorney contacted "several individuals" supporting this application on September 13, 1983, and was advised ". . . that Airport Limo had not instituted service or contacted them regarding the institution of service and that they were still without [service]."

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority where there exists both an immediate and urgent need for service and no carrier capable of meeting the need for service. There is no question on this record that the supporting hotels and businesses have shown that an immediate and urgent need exists. Inasmuch as Airport Limo is not authorized to provide the proposed service to and from Union Station, it appears that the only issue herein is protestant's capability of meeting the needs for call and demand service to and from Dulles and Washington National Airports.

For several years, protestant has apparently been content to serve only a few points in Montgomery County despite its certificate obligation to provide service between the airports and all points in suburban Maryland. Despite knowledge that its prime competitor, Beltway, seems to have abandoned its service obligations to Montgomery County airport users, there is no evidence that Airport Limo has acted on its responsibility to fill a service hiatus. The record is clear that the supporting firms still lack service. Thus, despite the protestations of Airport Limo, we must find that it is not capable of meeting the urgent need expressed by the affiants supporting this application. Temporary authority shall be granted, except to those points where protestant actually provides service, subject to compliance by applicant with the requirements set forth below.

^{3/} Article III, Section C of said contract lists the following Montgomery County Service points: (a) to Dulles -- Bethesda Marriott, Silver Spring Holiday Inn and Wheaton Howard Johnson; (b) to National -- the three in (a) and, in Silver Spring, Sheraton and Georgian Hotels, Chevy Chase Holiday Inn, and, in Bethesda, Walter Reed Hospital and the Ramada Inn and the Bethesdan Hotel. Under the terms of its Certificate No. 26 (and the contract), Airport Limo has been free to provide service between the airports, on the one hand, and, on the other, any points in Montgomery County.

THEREFORE, IT IS ORDERED:

1. That Frederick Limousine, Inc., is hereby granted temporary authority to transport passengers and their baggage, in the same vehicle with passengers, between Union Station, Washington, D. C., Washington National Airport, Gravelly Point, Va., and Dulles International Airport, Herndon, Va., on the one hand, and, on the other, points in Montgomery County, Md., (except the Marriott Hotel, Bethesda, Md., the Howard Johnson Hotel, Wheaton, Md., the Sheraton Hotel, Silver Spring, Md., and the Holiday Inn, Chevy Chase, Md.), restricted to transportation performed in vehicles with a manufacturer's designed seating capacity for 15 passengers or less (including the driver), and in all other respects the said application is denied.

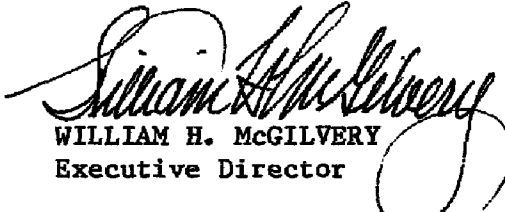
2. That said temporary authority shall be effective on the third day following the date of service of this Order and shall remain in effect until February 29, 1984, at 11:59 p.m. unless otherwise ordered by the Commission.

3. That Frederick Limousine, Inc., is hereby directed to amend its tariff (a) to clarify Term 5 so as to eliminate the criticism of its baggage charge as discussed herein above, (b) to redefine its proposed zones in terms of political subdivisions and/or public highways and (c) to include as a part of such tariff a map to Montgomery County, Md., on which the boundaries of its zones are clearly identified; is further directed to appoint, in writing, a resident agent for service of process as required by Commission Rule No. 5-04; and is further directed to identify each motor vehicle to be used in providing the service authorized herein as required by Commission Regulation No. 68-03.

4. That Frederick Limousine, Inc., is hereby directed to file two copies each of its amended Temporary Authority Tariff No. 1, its appointment of a resident agent and its affidavit of compliance with Regulation No. 68-03 within two days from the date of service of this Order.

5. That, unless applicant files the required documents within the time established therefor, or such additional time as may be authorized, the grant of temporary authority made herein shall be void, and the application shall stand denied effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION, COMMISSIONERS WORTHY, SCHIFTER AND SHANNON:


WILLIAM H. MCGILVERY
Executive Director